

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

FREDDIE D. ROSS	§	PLAINTIFF
	§	
v.	§	CAUSE NO. 1:06CV1268 LG-JMR
	§	
PAYNE, ET AL.	§	DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION
DENYING DEFENDANTS' MOTION TO DISMISS

This cause comes before the Court on the Report and Recommendation of Chief United States Magistrate Judge John M. Roper entered in this cause on August 24, 2007. Magistrate Judge Roper reviewed the Defendants' Motion to Dismiss [53], which was based on Plaintiff's failure to cooperate with Defendants' discovery requests. Judge Roper determined that the Motion should be denied because of subsequent activity which had taken place in the case. No party filed a response or objection to the Report and Recommendation.

Where no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review of it. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only review the Report and Recommendation and determine whether it is either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.1989). Having conducted the required review, the Court finds that the Report and Recommendation is neither clearly erroneous nor contrary to law. The Report and Recommendation should therefore be adopted as the opinion of this Court.

IT IS THEREFORE ORDERED AND ADJUDGED that the Report and

Recommendation of Chief United States Magistrate Judge John M. Roper entered in this cause on August 24, 2007 [72] should be, and the same hereby is, adopted as the finding of this Court.

IT IS FURTHER ORDERED AND ADJUDGED that the Defendants' Motion to Dismiss [53] is **DENIED**.

SO ORDERED AND ADJUDGED this the 25th day of September 2007.

s/ *Louis Guirola, Jr.*

Louis Guirola, Jr.
United States District Judge